

UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

A34909-PCT-USA-I 069277.0114

First Inventor

Escudero

Title

NUCLEIC ACIDS, * see attached

Express Mail Label No.

ER589238565US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **29**]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
- ☒ Claim(s) [Total Sheets **2**]
- ☒ Abstract of the Disclosure [Total Sheets **1**]
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **10**]
5. Oath or Declaration [Total Pages **3**]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☒ Other: Transmittal

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment,
or in an Application Data Sheet under 37 CFR 1.76:☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 10/031,047

Prior application information: Examiner Pak, Yong D.

Group Art Unit: 1652

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under
Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

21003

(Insert Customer No. or Attach bar code label here)

or ☐

Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Carmella L. Stephens

Registration No. (Attorney/Agent)

41,328

Signature

Carmella L. Stephens

Date

03/23/04

BAKER BOTTS LLP

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 770

Complete if Known

Application Number	Not Yet Assigned
Filing Date	March 23, 2004
First Named Inventor	Escudero
Examiner Name	Pak, Yong D.
Group Art Unit	1652
Attorney Docket No.	A34909-PCT-USA-I 069277.0114

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																					
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: 02-4377</p> <p>Deposit Account Name: Baker Botts LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>		<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>920*</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1,840*</td> <td>1,840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>420</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>950</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1,480</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>2,010</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>330</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>330</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>290</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1,510</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1,330</td> <td>665</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1,330</td> <td>665</td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>480</td> <td>240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>640</td> <td>320</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>50</td> <td>50</td> <td>Processing fee under 37 CFR 1.17(q)</td> <td></td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>40</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>770</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>770</td> <td>385</td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>770</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>900</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table> <p>Other fee (specify) _____</p>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	For filing a request for <i>ex parte</i> reexamination		920*	920*	Requesting publication of SIR prior to Examiner action		1,840*	1,840*	Requesting publication of SIR after Examiner action		110	55	Extension for reply within first month		420	210	Extension for reply within second month		950	475	Extension for reply within third month		1,480	740	Extension for reply within fourth month		2,010	1,005	Extension for reply within fifth month		330	165	Notice of Appeal		330	165	Filing a brief in support of an appeal		290	145	Request for oral hearing		1,510	1,510	Petition to institute a public use proceeding		110	55	Petition to revive - unavoidable		1,330	665	Petition to revive - unintentional		1,330	665	Utility issue fee (or reissue)		480	240	Design issue fee		640	320	Plant issue fee		130	130	Petitions to the Commissioner		50	50	Processing fee under 37 CFR 1.17(q)		180	180	Submission of Information Disclosure Stmt		40	40	Recording each patent assignment per property (times number of properties)		770	385	Filing a submission after final rejection (37 CFR § 1.129(a))		770	385	For each additional invention to be examined (37 CFR § 1.129(b))		770	385	Request for Continued Examination (RCE)		900	900	Request for expedited examination of a design application	
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																				
130	65	Surcharge - late filing fee or oath																																																																																																																					
50	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																					
130	130	Non-English specification																																																																																																																					
2,520	2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																					
920*	920*	Requesting publication of SIR prior to Examiner action																																																																																																																					
1,840*	1,840*	Requesting publication of SIR after Examiner action																																																																																																																					
110	55	Extension for reply within first month																																																																																																																					
420	210	Extension for reply within second month																																																																																																																					
950	475	Extension for reply within third month																																																																																																																					
1,480	740	Extension for reply within fourth month																																																																																																																					
2,010	1,005	Extension for reply within fifth month																																																																																																																					
330	165	Notice of Appeal																																																																																																																					
330	165	Filing a brief in support of an appeal																																																																																																																					
290	145	Request for oral hearing																																																																																																																					
1,510	1,510	Petition to institute a public use proceeding																																																																																																																					
110	55	Petition to revive - unavoidable																																																																																																																					
1,330	665	Petition to revive - unintentional																																																																																																																					
1,330	665	Utility issue fee (or reissue)																																																																																																																					
480	240	Design issue fee																																																																																																																					
640	320	Plant issue fee																																																																																																																					
130	130	Petitions to the Commissioner																																																																																																																					
50	50	Processing fee under 37 CFR 1.17(q)																																																																																																																					
180	180	Submission of Information Disclosure Stmt																																																																																																																					
40	40	Recording each patent assignment per property (times number of properties)																																																																																																																					
770	385	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																					
770	385	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																					
770	385	Request for Continued Examination (RCE)																																																																																																																					
900	900	Request for expedited examination of a design application																																																																																																																					
<p>FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>770</td> <td>385</td> <td>Utility filing fee</td> <td>770</td> </tr> <tr> <td>340</td> <td>170</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>530</td> <td>265</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>770</td> <td>385</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>160</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table> <p>SUBTOTAL (1) (\$ 770</p> <p>2. EXTRA CLAIM FEES</p> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>20** = 0</td> <td>18</td> <td>0</td> </tr> <tr> <td>3</td> <td>3** = 0</td> <td>84</td> <td>0</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td>0</td> <td>0</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr> <td>18</td> <td>9</td> <td>Claims in excess of 20</td> </tr> <tr> <td>86</td> <td>43</td> <td>Independent claims in excess of 3</td> </tr> <tr> <td>290</td> <td>145</td> <td>Multiple dependent claim, if not paid</td> </tr> <tr> <td>86</td> <td>43</td> <td>** Reissue independent claims over original patent</td> </tr> <tr> <td>18</td> <td>9</td> <td>** Reissue claims in excess of 20 and over original patent</td> </tr> </tbody> </table> <p>SUBTOTAL (2) (\$ 0</p> <p>**for number previously paid, if greater; For Reissues, see above</p>		Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	770	385	Utility filing fee	770	340	170	Design filing fee		530	265	Plant filing fee		770	385	Reissue filing fee		160	80	Provisional filing fee		Total Claims	Extra Claims	Fee from below	Fee Paid	8	20** = 0	18	0	3	3** = 0	84	0	Multiple Dependent		0	0	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	18	9	Claims in excess of 20	86	43	Independent claims in excess of 3	290	145	Multiple dependent claim, if not paid	86	43	** Reissue independent claims over original patent	18	9	** Reissue claims in excess of 20 and over original patent	<p>SUBTOTAL (3) (\$ 0</p> <p>*Reduced by Basic Filing Fee Paid</p>																																																											
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																																																				
770	385	Utility filing fee	770																																																																																																																				
340	170	Design filing fee																																																																																																																					
530	265	Plant filing fee																																																																																																																					
770	385	Reissue filing fee																																																																																																																					
160	80	Provisional filing fee																																																																																																																					
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																				
8	20** = 0	18	0																																																																																																																				
3	3** = 0	84	0																																																																																																																				
Multiple Dependent		0	0																																																																																																																				
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description																																																																																																																					
18	9	Claims in excess of 20																																																																																																																					
86	43	Independent claims in excess of 3																																																																																																																					
290	145	Multiple dependent claim, if not paid																																																																																																																					
86	43	** Reissue independent claims over original patent																																																																																																																					
18	9	** Reissue claims in excess of 20 and over original patent																																																																																																																					

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Carmella L. Stephens	Registration No. (Attorney/Agent)	41,328
Signature	<i>Carmella L. Stephens</i>	Telephone	212-408-2539
		Date	March 23, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Addendum Sheet 1

*Question 4 Addendum

4.a. Drawings are ☐ formal ☒ informal

* Question 5 Addendum

5.c. ☐ An unsigned oath or declaration is included.

* Question 8 Addendum

8.d. ☐ A sequence submission will follow.

* Question 9 Addendum

9.a. ☐ Assignment documents will follow.9.b. ☒ Assignment documents have been filed in
parent application No. 10/031,047 and recorded at Reel/Frame No. 013317/0800

* Question 11 Addendum

11.a. ☐ English translation will follow.

* Question 12 Addendum

12.a. ☐ Copies of IDS citations will follow.

* Question 15 Addendum

15.a. ☐ Certified copies of priority documents will follow.15.b. ☐ Certified copies of priority documents have been filed in parent
application No.

Use the space below for additional information

--

Title (continued):

NUCLEIC ACIDS, VECTORS, AND CELL LINES COMPRISING A CYCLOOXYGENASE 2
(COX-2) PROMOTER AND METHOD OF SCREENING FOR COX-2 INHIBITORS

Addendum Sheet 2

18a. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/031,047
 Prior application information: Examiner Pak, Yong D. Group Art Unit: 1652

18b. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____
 Prior application information: Examiner _____ Group Art Unit: _____

18c. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____
 Prior application information: Examiner _____ Group Art Unit: _____

☒ Amend the specification by inserting before the first line the sentence(s)

☒ "This application is a ☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of: 10/031,047

☐ "This application is based upon:

prior application No.: _____, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No. _____, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: _____, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: _____, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No. _____, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No. _____, incorporated by reference herein

Priority under 35.U.S.C. §119 is claimed based upon the following applications.

Foreign Applications:

Country: Spain

Serial No: P9901557

Filing Date: July 12, 1999

Country: _____

Serial No: _____

Filing Date: _____

Country: _____

Serial No: _____

Filing Date: _____

Provisional Applications:

Serial No: _____

Filing Date: _____

Serial No: _____

Filing Date: _____

Serial No: _____

Filing Date: _____

CERTIFICATION UNDER 37 C.F.R. 1.8(a) OR 1.10*

(When using Express Mail, the Express Mail label number is mandatory; Express Mail Certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

37 C.F.R. 1.8(a)

☐ with sufficient postage as first class mail.

37 C.F.R. 1.10*

☒ as "Express Mail Post Office to Address"

Mailing Label No. ER589238565US (mandatory)

Leroy Chick
Signature

Date: March 23, 2004

Leroy Chick

(type or print name of person certifying)

***WARNING:** Each paper of fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition. "Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.